

04-29-04

IFW 8/2005  
1636

PTO/SB/30 (09-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**Request  
For  
Continued Examination (RCE)  
Transmittal**

Address to:  
MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<i>Application Number</i>	09/827,688
<i>Filing Date</i>	April 6, 2001
<i>First Named Inventor</i>	Frank M. Orson
<i>Art Unit</i>	1636
<i>Examiner Name</i>	Q. Nguyen
<i>Attorney Docket No.</i>	HO-P01949US1

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application.

**1. Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.  Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
  - i.  Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_
  - ii.  Other \_\_\_\_\_
- b.  Enclosed
  - i.  Amendment/Reply
  - ii.  Affidavit(s)/Declaration(s)
  - iii.  Information Disclosure Statement (IDS)
  - iv.  Other \_\_\_\_\_

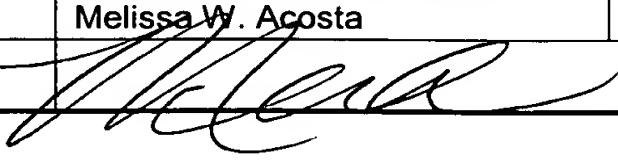
**2. Miscellaneous**

- a.  Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b.  Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a.  The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_
  - i.  RCE fee required under 37 CFR 1.17(e) 04/30/2004 WASFAW1 00000044 09827688
  - ii.  Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:2801 385.00 0P
  - iii.  Other \_\_\_\_\_
- b.  Check in the amount of \$ 385.00 enclosed
- c.  Payment by credit card (Form PTO-2038 enclosed)

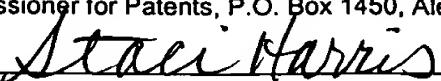
**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

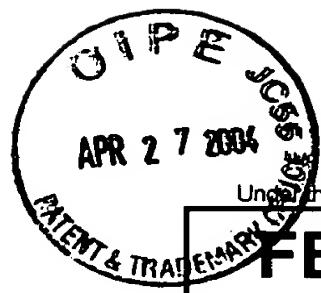
Name (Print/Type)	Melissa W. Acosta	Registration No. (Attorney/Agent)	45,872
Signature		Date	April 28, 2004

**Request for Continued Examination Transmittal**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. ER509328035US, in an envelope addressed to: MS RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 28, 2004

Signature:  (Staci Harris)



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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 385.00)

Complete if Known	
Application Number	09/827,688
Filing Date	April 6, 2001
First Named Inventor	Frank M. Orson
Examiner Name	Q. Nguyen
Art Unit	1636
Attorney Docket No.	HO-P01949US1

**METHOD OF PAYMENT (check all that apply)**

Check  Credit Card  Money Order  Other  None

Deposit Account:

Deposit Account Number 06-2375

Deposit Account Name Fulbright & Jaworski L.L.P.

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

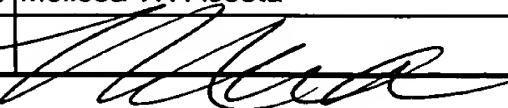
**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)
1051	130	2051	65 Surcharge – late filing fee or oath
1052	50	2052	25 Surcharge – late provisional filing fee or cover sheet.
1053	130	1053	130 Non-English specification
1812	2,520	1812	2,520 For filing a request for ex parte reexamination
1804	920*	1804	920* Requesting publication of SIR prior to Examiner action
1805	1,840*	1805	1,840* Requesting publication of SIR after Examiner action
1251	110	2251	55 Extension for reply within first month
1252	420	2252	210 Extension for reply within second month
1253	950	2253	475 Extension for reply within third month
1254	1,480	2254	740 Extension for reply within fourth month
1255	2,010	2255	1,005 Extension for reply within fifth month
1401	330	2401	165 Notice of Appeal
1402	330	2402	165 Filing a brief in support of an appeal
1403	290	2403	145 Request for oral hearing
1451	1,510	1451	1,510 Petition to institute a public use proceeding
1452	110	2452	55 Petition to revive – unavoidable
1453	1,330	2453	665 Petition to revive - unintentional
1501	1,330	2501	665 Utility issue fee (or reissue)
1502	480	2502	240 Design issue fee
1503	640	2503	320 Plant issue fee
1460	130	1460	130 Petitions to the Commissioner
1807	50	1807	50 Processing fee under 37 CFR 1.17(q)
1806	180	1806	180 Submission of Information Disclosure Stmt
8021	40	8021	40 Recording each patent assignment per property (times number of properties)
1809	770	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))
1810	770	2810	385 For each additional invention to be examined (37 CFR 1.129(b))
1801	770	2801	385 Request for Continued Examination (RCE)
1802	900	1802	900 Request for expedited examination of a design application
Other fee (specify)			

**SUBTOTAL (1) (\$ 0.00)**

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$ 385.00)**

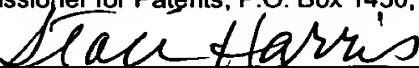
\*\*or number previously paid, if greater; For Reissues, see above

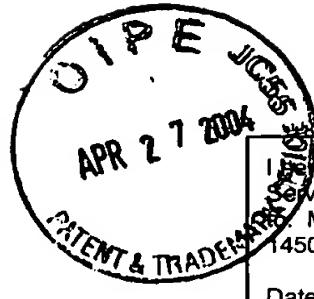
SUBMITTED BY (Complete if applicable)				
Name (Print/Type)	Melissa W. Acosta	Registration No. (Attorney/Agent)	45,872	Telephone (713) 651-5407
Signature			Date	April 28, 2004

**Fee Transmittal**

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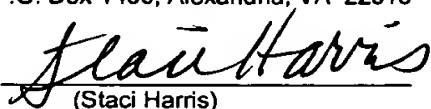
Signature:  (Staci Harris)



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Dated: April 28, 2004

Signature:

  
(Staci Harris)

Docket No.: HO-P01949US1  
(PATENT)

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Frank M. Orson et al.

Application No.: 09/827,688

Art Unit: 1636

Filed: April 6, 2001

Examiner: Q. Nguyen

For: MACROAGGREGATED PROTEIN  
CONJUGATES AS ORAL GENETIC  
IMMUNIZATION DELIVERY AGENTS

### **AMENDMENT UNDER 37 C.F.R. SECTION 1.114**

MS RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

### **INTRODUCTORY COMMENTS**

In response to the Office Action dated January 28, 2004, please amend the above-identified U.S. patent application as follows:

**Interview Summary** begins on page 2 of this paper.

**Amendments to the Claims** are reflected in the listing of claims which begins on page 3 of this paper.

**Remarks/Arguments** begin on page 7 of this paper.